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7 **UNITED STATES DISTRICT COURT**  
8 **WESTERN DISTRICT OF WASHINGTON**  
9  
10 **AT SEATTLE**

11 **JARED SERMON AND JAMIE)** Case No.  
12 **SERMON,** )  
13 ) **COMPLAINT**  
14 Plaintiffs, )  
15 )  
16 vs. )  
17 ) **JURY TRIAL DEMANDED**  
18 **IQ DATA INTERNATIONAL, INC.,** )  
19 )  
20 Defendant. )

21 **I. NATURE OF ACTION**

22 1. This is an action for damages brought by an individual consumer for  
23 Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §  
24 1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington,  
25 Chapter 19.16, both of which prohibit debt collectors from engaging in abusive,  
26  
27

28 Complaint - 1

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1 deceptive, and unfair practices. Plaintiffs further alleges a claim for invasion of  
2 privacy by intrusion, ancillary to Defendant's collection efforts.  
3

## 4 **II. JURISDICTION**

5 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).  
6

## 7 **III. PARTIES**

8 3. Plaintiffs, Jared Sermon and Jamie Sermon, are natural persons residing  
9 in the State of Idaho.  
10

11 4. Plaintiffs are "consumers" as defined by the FDCPA, 15 U.S.C. §  
12 1692a(3), and a "debtor" as defined by RCW § 19.16.100(11).  
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14 5. At all relevant times herein, Defendant, IQ Data International, Inc.,  
15 ("Defendant") was a company engaged, by use of the mails and telephone, in the  
16 business of attempting to collect a "debt" from Plaintiffs, as defined by 15 U.S.C.  
17 §1692a(5).  
18

19 6. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. §  
20 1692a(6), and a "licensee," as defined by RCW § 19.16.100(9).  
21

## 22 **IV. FACTUAL ALLEGATIONS**

23 7. At various and multiple times prior to the filing of the instant complaint,  
24 including within the one year preceding the filing of this complaint, Defendant  
25 contacted Plaintiffs in an attempt to collect an alleged outstanding debt.  
26  
27

Defendant's conduct violated the FDCPA and RCW § 19.16 in multiple ways, including but not limited to:

- a. Threatening to take an action against Plaintiffs that cannot be legally taken or that was not actually intended to be taken, including threatening to process a judgment immediately against both Plaintiffs (§ 1692e(5));
- b. Overshadowing the disclosures required by 15 USC § 1692g(a) during the thirty-day dispute period, including threatening to take legal action against Plaintiffs during that dispute period (§ 1692g(b));
- c. Repeatedly contacting Plaintiff Jamie Sermon at her place of employment after being informed that such calls are inconvenient to Plaintiffs and violate the policy of Plaintiff's employer (§ 1692c(a)(1)(3));
- d. Where Defendant had not yet made an attempt to contact Plaintiffs' counsel or had not given Plaintiffs' counsel sufficient time to respond to the initial attempt to communicate with Plaintiff's counsel, and where Plaintiffs' counsel had not given Defendant permission to contact Plaintiffs directly, communicating with Plaintiff Jamie Sermon directly after learning that Plaintiffs are being represented by counsel (§ 1692c(a)(2)).

8. Defendant's aforementioned activities, set out in paragraph 7, also constitute an intentional intrusion into Plaintiffs' private places and into private matters of Plaintiffs' life, conducted in a manner highly offensive to a reasonable person. With respect to the setting that was the target of Defendant's intrusions, Plaintiffs had a subjective expectation of privacy that was objectively reasonable under the circumstances.

1           9. As a result of Defendant's behavior, detailed above, Plaintiffs  
2 suffered and continues to suffer injury to Plaintiffs' feelings, personal humiliation,  
3 embarrassment, mental anguish and emotional distress.  
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5                           **COUNT I: VIOLATION OF FAIR DEBT**  
6                           **COLLECTION PRACTICES ACT**  
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8           10. Plaintiffs reincorporates by reference all of the preceding paragraphs.  
9

10                           **PRAYER FOR RELIEF**

11           WHEREFORE, Plaintiffs respectfully pray that judgment be entered  
12 against the Defendant for the following:

- 13                   A. Declaratory judgment that Defendant's conduct  
14                   violated the FDCPA;  
15                   B. Actual damages;  
16                   C. Statutory damages;  
17                   D. Costs and reasonable attorney's fees; and,  
18                   E. For such other and further relief as may be just and proper.  
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20                           **COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY**  
21                           **ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON**  
22                           **CONSUMER PROTECTION ACT**  
23

24           11. Plaintiffs reincorporates by reference all of the preceding paragraphs.  
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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully pray that judgment be entered against the Defendant for the following:

- A. Actual damages;
- B. Discretionary Treble Damages;
- C. Costs and reasonable attorney's fees,
- D. For such other and further relief as may be just and proper.

**COUNT III: COMMON LAW INVASION OF PRIVACY BY INTRUSION**

12. Plaintiffs reincorporates by reference all of the preceding paragraphs.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully pray that judgment be entered against the Defendant for the following:

- A. Actual damages
- B. Punitive Damages; and,
- C. For such other and further relief as may be just and proper.

Respectfully submitted this 9th day of November, 2009.

s/Jon N. Robbins  
Jon N. Robbins  
WEISBERG & MEYERS, LLC  
Attorney for Plaintiffs